

REMARKS/ARGUMENTS

Claims 35-69 and 71 are pending in this application. Claims 39-41, 63, and 70 have previously been cancelled and claim 47 was withdrawn from consideration by the Examiner. Applicant has now canceled claims 35-69 and 71 without prejudice to resubmitting them in a continuation application. Applicant has submitted new claims 72-98 and no new matter has been added.

Claims 35-41, 43-44, 50-52, 59-63, 66-68, and 70-71 have been rejected under 35 U.S.C. 102(b) as being anticipated by Frid (WO 98/31303). Applicant respectfully traverses the rejection.

Frid discloses a double layer endoprosthesis (FIG. 3) which is comprised of two base elements 12a and 12b. Each base element is comprised of a trunk element 20 and a single branch element 22. The bifurcated prostheses disclosed by Frid do not have two legs, one of which is longer than the other. For example, as shown in FIG. 5 of Frid, branch element 22b extends through an opening 24a of the base element 12a. There are no overlapping legs at this junction. Because the branch 22b extends directly through opening 24a, there is a greater likelihood of a backflow of fluid traveling from opening 24b through 24a and into the aneurysm.

As recited in the new claims presented herewith, the double-layered intraluminal device of the present invention comprises a first bifurcated prosthesis and a second bifurcated prosthesis. Each prosthesis comprises a main tubular body portion having a length, a first leg having a first leg length and a second leg having a second leg length which is shorter than the first leg length. When the two bifurcated prostheses are overlapped to form the double-layered graft of the present invention the lengths of the main tubular body portions overlap, the longer first leg of the first bifurcated prosthesis extends through the shorter second leg of the second bifurcated prosthesis, and the shorter second leg of the first bifurcated prosthesis extends through the longer first leg of the second bifurcated prosthesis. Thus, the staggered leg lengths of the bifurcated

prostheses will create overlapping legs on both sides of the double-layered graft. These overlap regions in the bifurcated prosthesis legs will minimize the backflow that could occur with the prosthesis disclosed in Frid.

The structure recited in the claims presented herewith is neither taught nor suggested by Frid. Thus, new claims 72-98 are patentable over Frid.

Claims 35, 45-46, 59 and 64-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Cox et al. (5,824,040). Applicant respectfully traverses the rejection.

Cox et al. discloses a bifurcated prosthesis comprising a trunk element and two branch lumens. However, Cox et al. does not teach or suggest the use of two bifurcated prostheses, each having two legs, one longer than the other, to overlap and create a double-layered graft. Thus, Cox et al. does not teach or suggest the double-layered prosthesis of the present invention and claims 72-98 are patentable over Cox et al.

Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frid (WO 98/31303) in view of Kleshinski (5,755,778). Applicant respectfully traverses the rejection.

Kleshinski discloses an anastomosis device. It does not teach or suggest the use of two bifurcated prostheses, each having two legs, one longer than the other, to overlap and create a double-layered graft. As discussed above, Frid does not teach or suggest this structure either. Thus, neither Frid nor Kleshinski, alone or in combination, teach or suggest the present invention and claims 72-98 are patentable over these references.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frid (WO 98/31303) in view of White et al. (WO 95/08966). Applicant respectfully traverses the rejection.

White et al. discloses tubular grafts with separate spaced apart wires. White et al also teaches overlapped intraluminal grafts. However, White et al does not teach or suggest the present invention. Thus, neither Frid nor White, alone or in combination, teach or suggest the present invention and claims 72-98 are patentable over these references.

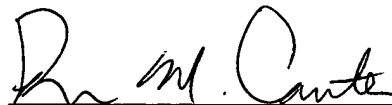
In view of the foregoing, Applicant believes the pending claims to be in condition of allowance. Reconsideration and early allowance are respectfully and sincerely requested.

If it is felt for any reason that direct communication with applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,

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